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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the Matter of )  
 )  
The Use of N11 Codes and Other ) CC Docket No. 92-105  
Abbreviated Dialing Arrangements )  
 )

COMMENTS OF SPRINT CORPORATION

Sprint Corporation ("Sprint") hereby respectfully submits its comments in response to the *Further Notice of Proposed Rulemaking* ("Further Notice"), FCC 97-51, issued together with *First Report and Order* on February 19, 1997 in the above-captioned proceeding.

**A. Access to Telecommunications Relay Services**

Sprint agrees with the Commission's conclusion that "an N11 code to support nationwide TRS access is in the public interest..." *Further Notice* at ¶68. But, as the Commission recognizes, the implementation of an N11 code for TRS access on a nationwide basis will require the industry to resolve "a number of issues related to technical and operational capability, cost and competition." *First Report and Order* at ¶55.

In its *Ex Parte* Statement dated July 24, 1995, Sprint identified several of these problem areas. Of particular concern is the fact that N11 access would limit the ability of various

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States that no longer wished to award the TRS center franchise on a sole source basis to attract multiple vendors.<sup>1</sup> N11 access would hinder the development of competition because the relay center of only one TRS provider could be reached by dialing N11 under existing technology. Access to the relay centers of other providers would only be available by dialing a seven or ten-digit number. Thus, the TRS provider that received the right to offer N11 access would be in a superior competitive position to other potential operators of TRS centers and this, in turn, could deter the entry of such competitors. Although Sprint believes that there are possible technical solutions to this problem, e.g., translation of N11 to an 800 number to reach the center of the TRS provider of choice or use of a gateway to permit a database lookup of the relay provider of choice based upon the ANI of the calling number, it does not know the cost of implementing such technological "fixes" on an industry-wide basis.

The development of facilities-based local competition in a State may ameliorate -- but not eliminate -- the need to address this problem. Clearly, if a hearing or speech impaired

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<sup>1</sup> When Sprint filed its *Ex Parte* Statement, both California and New York were exploring the feasibility of a multiple vendor TRS regime. California has implemented such regime. But at the present time there is only one relay provider in the State. Apparently, California has been unsuccessful in attracting other relay center providers in part because the lowest bidder -- MCI -- received the right to enable users of its TRS services to continue the use the set of 800 numbers which they used to access the relay center provided under the previous sole-source regime. Others who may want to operate TRS centers in California would be at a competitive disadvantage to MCI since they would have to convince TRS users to learn and dial totally new numbers to access their TRS centers.

individual had the option to choose a local carrier, he would be able to select the one that provided quality relay and other services at competitive prices. All 711 calls made from a customer's phone would then be routed to the selected carrier's TRS center.<sup>2</sup> However, local competition is likely to develop unevenly. Thus, in a State without local exchange competition where multiple vendors operate TRS centers, there will still be a need to ensure that 711 calls are routed to the center of the relay provider preferred by the caller.

Another area of concern is that use of an N11 code to access a relay center will likely increase the time required to answer a TRS call. Single number access requires the center to first determine the type of protocol (i.e., voice, baudot or ASCII) being used by the caller.<sup>3</sup> Although new methods may be developed that would enable carriers to differentiate between various protocols more rapidly when N11 dialing is implemented, at the present time faster protocol differentiation techniques have only served to increase the error-rate on protocol

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<sup>2</sup> When traveling, however, the TRS user dialing 711 from a hotel room, public phone, or a friend's home would not necessarily reach the relay center of his chosen carrier and may have to dial a different or additional access code to do so.

<sup>3</sup> Sprint is able to meet the mandatory minimum standards for TRS answer times today. However, if the Commission requires that video relay be offered by TRS providers as a standard service, the delay in the call set-up times caused by single number access is likely to be exacerbated especially since ASCII text and video can be sent over the same modem to the relay center. Sprint does not have any estimates as to how fast it will be able to differentiate between the two protocols.

conversion, e.g., a voice call is answered with an ASCII answer tone; a baudot call is answered as a voice call; and an ASCII call is answered as a baudot call.

By raising these concerns, Sprint does not suggest that the Commission should reconsider its decision to require N11 access to relay centers at this time. Sprint believes that the Commission's decision here is fully supported by the current record. Nonetheless, Sprint recommends that the Commission direct the industry to establish a task force to determine whether the problems associated with N11 access can be resolved within a reasonable amount of time and without undue cost.<sup>4</sup> Once the Commission receives such information, it will be in a better position to determine whether the benefits of N11 access to relay centers as enumerated in the *First Report and Order* outweigh the costs which may be incurred to implement such access so as not to impede the efficient provision of TRS services or the development of competition.

#### **B. Sale or Transfer of N11 Codes**

Sprint strongly supports the Commission's tentative conclusion that "N11 codes should not be transferred or sold through private transactions..." *Further Notice* at ¶71. Sprint

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<sup>4</sup> The Commission's proposed three-year deadline for implementing 711 access to relay centers on a nationwide basis (*Further Notice* at ¶68) need not be disturbed. Assuming that the N11 access is feasible from a technical, cost and competitive standpoint, Sprint sees no reason to why such access cannot be implemented within such period.

believes that this conclusion is fully justified by the fact that "N11 codes are not only essential public resources that serve important national and state goals, but are also much more scarce than other codes." *Id.*

The Commission asks parties to comment on the Commission's "statutory authority to sell the right to use N11 codes." There is no specific provision in the Communications Act which gives the Commission the statutory authority to sell through competitive bidding or other procedure the "right to use N11 codes." Plainly, if the Commission wants to adopt such procedure for N11 codes, it will have to seek authorization from Congress comparable to that granted the Commission under Section 309(j) of the Act.

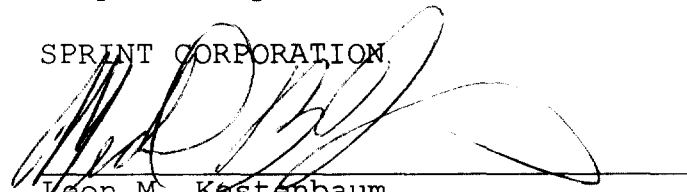
#### **C. Administration of N11 Codes**

Sprint also strongly supports the Commission's proposal to transfer "the administration of N11 codes for local use...from the incumbent LECs to the neutral NANP administrator to be recommended by the NANC." *Further Report* at ¶75. N11 codes are a public resource and their administration should be placed in hands of a neutral party. Otherwise, there is the danger that an

incumbent LEC would use its control over this resource to harm competition.

Respectfully submitted,

SPRINT CORPORATION

A large, stylized handwritten signature in black ink, likely belonging to Leon M. Kestenbaum, is written over the company name and extends across the line separating it from the list of attorneys.

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March 31, 1997

## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **Comments of Sprint Corporation** was sent by hand or by United States first-class mail, postage prepaid, on this the 31<sup>st</sup> day of March, 1997 to the below-listed parties:

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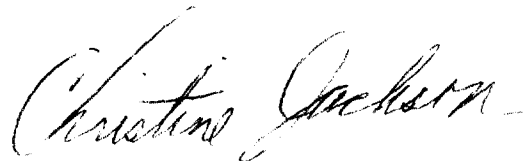
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A handwritten signature in cursive script, reading "Christine Jackson". The signature is written in dark ink and is positioned above a horizontal line.

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March 31, 1997